

**CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, OCTOBER 17, 2012**

A Regular Meeting of the Deltona Planning and Zoning Board was held on Wednesday, October 17, 2012, in the City Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 7:05 p.m. by Chairman Burbank.

2. ROLL CALL:

Chairman	Tom Burbank	Present
Vice-Chairman	David McKnight	Present
Member-Secretary	Heather Mulder	Present
Member	Adam Walosik	Present
Member	Noble Olasimbo	Present
Member	Victor Ramos	Present
Member	Michael Kiepert	Present

Also present: Commissioner Fred Lowry, Planning & Development Services Director Chris Bowley; Planning & Development Services Assistant Director Ron Paradise; Planning & Development Services Planner II, Scott McGrath; and Administrative Assistant II, Pauline Shattuck.

3. APPROVAL OF MINUTES:

A. Minutes:

1. Special Meeting – September 26, 2012.

Motion by Member Ramos, seconded by Member Kiepert, to adopt the minutes of the Planning & Zoning Board Special Meeting of September 26, 2012, as presented.

Motion carried with members voting as follows: Member Kiepert, for; Member Walosik, for; Member Olasimbo, for; Member Ramos, for; Member Mulder, for; Member McKnight, for; and Chairman Burbank, for.

4. PUBLIC COMMENTS: None

5. OLD BUSINESS: None

6. NEW BUSINESS:

A. Comprehensive Plan Large Scale Thoroughfare Map Amendment CP12-002.

An Ordinance of the City of Deltona, Florida, pertaining to the Comprehensive Plan by repealing the existing Thoroughfare Roadway System 2025 map and replacing such map with a new Thoroughfare Roadway System 2025 map; providing for severability; providing for an effective date. Ordinance No. 17-2012.

Mr. Paradise informed the public that there are citizen courtesy information lists which would keep them informed of any actions by the Department of Economic Opportunity in regard to the Thoroughfare Map amendment.

Mr. Paradise said the thoroughfare map is intended to be an expression of important mobility corridors, especially for automobiles within a local government. They help establish a clear expenditure of capital improvement investments for transportation. In the case of the City of Deltona, they are also used as a tool to determine the implementation of appropriate Land Development Code regulations such as sign regulations.

Mr. Paradise said he and Board Members received an e-mail from a Member citing the Federal Functional Classification list. There was some question as to how that list comported with the proposed changes to the City's Thoroughfare (T-fare) Map. First, there are distinctions between the Federal Functional Classification list and the City's T-fare map, one of which, as already mentioned, is that the T-fare map is used as a tool to implement local Land Development Regulations. The second is that the T-fare map is intended to be a locally derived assessment of needed roads to fulfill a level of mobility within a community for a planning window. The Federal Functional Classification list serves as planning tool, but it is also more federally funded oriented. Most of Deltona's roads on the Federal list appear on the proposed Thoroughfare Map as either principal arterial, minor arterial, or collector roads, with the exception of two roads--India Boulevard and Tivoli Avenue. India Boulevard is not on the Federal list which has been, and is proposed, to remain a T-fare road. Tivoli Avenue appears on the Federal list, but not on the T-fare map. Tivoli Avenue does function as a collector, but the land uses are mostly residential. Tivoli has been proposed for a T-fare in the past; however, the City Commission opted to not include Tivoli Avenue as a T-fare road due to residents' opposition

Discussion ensued regarding the Federal Functional Classification list as it pertains to the City's roads.

Chairman Burbank opened and closed the public hearing as there were no comments.

Motion by Member Kiepert, seconded by Member McKnight, to recommend that the City Commission transmit CP12-002, Comprehensive Plan Large Scale Thoroughfare Map Amendment, Ordinance No. 17-2012.

Motion carried with members voting as follows: Member Kiepert, for; Member Walosik, for; Member Olasimbo, for; Member Ramos, for; Member Mulder, for; Member McKnight, for; and Chairman Burbank, for.

B. Comprehensive Plan Small Scale Amendment CP12-003, Providence Blvd. and Elkcam Blvd.

Amendment to the Future Land Use Map of the City of Deltona, to re-designate the properties at LOTS 5, 6, 7, 8, 9 & 10 BLK 482 DELTONA LAKES UNIT 15 MB 25 PG 232; LOTS 11, 12 & 13 BLK 484 DELTONA LAKES UNIT 15 MB 25 PG 232; LOTS 3, 4, 5, 6, 7, 8, 9 & 10 BLK 1710 DELTONA LAKES UNIT 65 MB 28 PG 119; LOT 9 BLK 1712 DELTONA LAKES UNIT 65 MB 28 PG 119; LOTS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20 BLK 1720 DELTONA LAKES UNIT 65 MB 28 PG 119, from LDR – Low Density Residential to ORS – Office/Retail/Service. Ordinance No. 21-2012.

Chairman Burbank asked if any Board Member had a conflict of interest, or if there was any exparte communication regarding this amendment. Board Members replied in the negative.

Mr. Paradise announced that Commissioner Lowry is in attendance for observational purposes. He is bound by the Florida Sunshine Law so he cannot address the public; however, any member of the public may personally speak with him at his leisure.

Mr. Paradise informed the public that there are citizen courtesy information lists which would keep them informed of any actions by the Department of Economic Opportunity in regard to the Small Scale amendments.

Mr. McGrath provided a PowerPoint presentation of both Small Scale amendments, explaining the reasons for the proposed land use change from Low Density Residential to Office/Retail/Service. The Deltona City Commission has directed staff to look at areas to expand business activity. Both of these areas have City sewer available, are major intersections, and both are expansions of existing areas. The Office/Retail/Service (ORS) land use category is a less intense use than the Commercial land use category. There are no zoning amendments planned by the City at this time. The underlying zoning will need to be amended before any development can occur. The City does not intend to buy or take any property for development. Traffic will increase with development. Providence Boulevard is a County road and is slated to be widened in the 2025 planning time frame of the Volusia County Comprehensive Plan. Any taking of property would be done by the County, and only for the widening of Providence Blvd.

Mr. Bowley said at the September public scoping meeting, citizens' concerns were about whether the City will be the developer; is the City proposing expansion of the utility lines; will the City take property; and does the City have a developer in mind. The answer to all these concerns is no. Going back to over a year ago, the City Commission made a decision to identify strategic locations to consider non-residential development, and not be the developer. For the record, there are no rezoning applications accompanying the future land use amendments proposals. There are no developments in mind. A Comp Plan Amendment does not assign development rights; it only entitles a range of uses that could occur. A rezoning would have to occur to follow the Comp Plan Amendment. There is no rezoning involved here. If any rezoning occurs it will not be done by the City; it will be rezoned by some private entity that would need to assemble property.

Discussion ensued about sewer, compatibility, buffers, traffic and noise mitigation, etc.

Member Walosik asked since these properties will eventually be rezoned, how the City will protect residential property adjacent to non-residential development. The size of a residential lot prohibits the setbacks, parking, solid waste disposal, and other things associated with non-residential uses and the impacts on the adjacent properties. Mr. Bowley replied the City would require ample horizontal control. If it was a use, for example, from residential to office, off-street parking would be required; stormwater management would be required. No permits or variances would be allowed for someone trying to retrofit a site and create a legally non-conforming use. There would be an assemblage required for someone to meet all the horizontal control on a property, including screening and buffering, which would be provided by the new development.

Chairman Burbank opened the public hearing.

Helen Skryzpczak, 1745 Bavon Drive, said she is opposed to the amendment because people would be living across from the commercial developments and she is concerned about how the residences would be screened from it.

Bill Snyder, 1734 Bavon Drive, said he is opposed to the amendment and is concerned about water run-off from commercial properties, which he said would go across his property into a City drain.

Ruth Snyder, 1734 Bavon Drive, said she is opposed to the amendment because there are scrub jays in her area and they are a protected species. She is also concerned about losing the vegetation/wooded areas, the additional noise and traffic, and the type of businesses that could be allowed.

Timothy Kennedy, 1886 Del Rio Court, said he is opposed to both amendments because there are numerous large acre lots currently available that are zoned commercial. He expressed concerns with the manner in which this meeting was advertised and the way Deltona government operates. Mr. Kennedy said the amendments are a bad idea. He works in Orlando and moved to Deltona because it is a bedroom community. Also, he believes his property value will go down if there is commercial development in his backyard.

Nancy Kennedy, 1886 Del Rio Court, said she is opposed to both amendments because development would bring additional noise, lighting, increasing traffic, higher crime, and would disrupt the peaceful setting of their neighborhood.

Bill Byrd, 1541 Gainesville Drive, is opposed to amendment CP12-004 for Providence/Fort Smith because of possible future commercial properties to the north and east of his property. He moved into the neighborhood because of its peaceful setting.

Chairman Burbank closed the public hearing.

Member McKnight said he is aware that the City needs commercial development. Since he was appointed to the Board he has been opposed to any rezoning or land map changes that are in

residential areas. There are plenty of vacant commercial properties and buildings along Howland and Deltona Blvd., Doyle Rd., etc. for businesses to move in. He said we do not need to change the land map designations so that we can think so far in the future and take people's houses. He is wholeheartedly opposed to the amendments.

Member Kiepert said mentioning taking people's homes; he thought that would not be any eminent domain. Mr. Paradise said that is correct; there will not be any eminent domain by the City. Anything that happens regarding land sales will be at arm's length from the City and only between private parties. The City will not be involved in any way, shape or form. Member Kiepert asked if this also applies to the County. Mr. Paradise said yes, unless it involves road widening, because Providence Blvd. is a County road. Member Kiepert said he believes there was a law recently passed where governments cannot take land for development. Mr. Bowley said that is correct. The City cannot take land for private purposes. Discussion ensued regarding case law and the quantity of commercial land required in Deltona. Mr. Paradise spoke about the Comprehensive Plan being a 20 year plan and about the minimum standard of commercial property needed in the future for commercial development. He said this is a long-range plan.

Member Walosik asked what about in the meantime when someone buys one house in the amendment area, rezones it, and tries to develop a commercial use on it. Impacts on adjacent properties would be tremendous. For example, if a developer buys six lots, tried to redevelop it, the City would have a chance to designate access, and put some restrictions on buffers. That would be a different idea than just trying to rezone existing developed family houses. Mr. Bowley said absolutely, there would be buffers and screening, which is visual impairment, or not seeing into the non-residential use next door.

Chairman Burbank said he will not support the amendments. One reason is that this did not work on Saxon Blvd. The City rezoned the houses across from Publix by Finland Drive from residential to commercial and it has gone nowhere. Only one business moved in that stretch of road in the last 15 years, which was a coin shop. The only reason that worked was because the owner was able to purchase the adjoining property for a parking lot. The idea behind that land use change was assemblage. He said a developer is not going to come in and assemble property due to the purchase price of the properties. On top of the purchase price, the developer will need to demolish the houses, remove the septic tanks, and hook up to sewer where available. Economically this is just a bad idea. He is sympathetic to the fact that the people who attended tonight expressed that they work in an urban environment, but want to live in a rural environment. He appreciates that the City Commission has directed staff to look at future areas to expand existing commercial nodes. His suggestion is that these areas have been looked at in the past by various planning staff and it was decided it would not work. Perhaps a better idea would be expanding large commercial nodes like the Dupont Lakes Shopping area, or along the intersection of Catalina and Howland Blvd. He questions the amount of commercial still needed for Deltona.

Member Ramos said he does not see smart growth in this development and he is voting against the amendment.

Motion by Member McKnight, seconded by Member Kiepert, to recommend that the City

Commission deny CP12-003, Comprehensive Plan Small Scale Amendment, Providence Blvd. and Elkcam Blvd., Ordinance No. 21-2012.

Motion carried with members voting as follows: Member Kiepert, for; Member Walosik, for; Member Olasimbo, for; Member Ramos, for; Member Mulder, for; Member McKnight, for; and Chairman Burbank, for.

C. Comprehensive Plan Small Scale Amendment CP12-004, Providence Blvd. and Ft. Smith Blvd.

Amendment to the Future Land Use Map of the City of Deltona, to re-designate the properties at LOTS 15, 16, 17, 18, 19 & 20 BLK 497 DELTONA LAKES UNIT MB 25 14 PG 224; LOTS 1, 2, 3, 14, 15 & 16 BLK 516 DELTONA LAKES UNIT 16 MB 25 PG 239; LOTS 1, 2, 3, 14, 15 & 16 BLK 517 DELTONA LAKES UNIT 16 MB 25 PG 239; LOTS 7, 8, 9, 10, 11, 12 & 13 BLK 523 DELTONA LAKES UNIT 16 MB 25 PG238; LOTS 11, 12, 13, 14, 15, & 16 BLK 524 DELTONA LAKES UNIT 16 MB 25 PG 238; LOTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, & 13 BLK 1869 DELTONA LAKES UNIT 72 MB 28 PG 167, from LDR – Low Density Residential to ORS – Office/Retail/Service. Ordinance No. 22-2012.

Chairman Burbank said he does not see a need for another presentation. Mr. Bowley agreed saying the presentation was a dual presentation and all that is needed is to open the meeting to the public, close it, and then vote.

Chairman Burbank opened the public hearing.

Louise Clarke, 1712 N. Merrick Drive, said she is opposed to the amendment. She feels that she is right now living in a commercial zone. There is a fire station, a police station, and a small strip mall near her. She said she is for development in the City, but not in this area. She asked if this amendment is approved, how this re-designation would affect the taxes on her property. Mr. Bowley said this is a Comp Plan Amendment, and it is not assigning any development rights like a rezoning would. There would not be any change to her property taxes from this activity.

Chairman Burbank closed the public hearing.

Member Kiepert said he agrees with what is being said--to develop smartly, but we also run into another situation where we want development such as grocery stores, gas stations, and convenience; however, no one wants them in their back yard. Deltona is in a bizarre situation where we don't have the opportunity to lay this out normally. We're a residential neighborhood and maybe we should just look at the fact that instead of trying to develop commercially, just accept that we have the best bedroom community we could possibly be.

Chairman Burbank said the P&Z Board is a recommending body. The final decision will be made by the City Commission. Mr. Bowley said this hearing will occur on November 5th.

Motion by Member McKnight, seconded by Member Walosik, to recommend that the City

Commission deny CP12-004, Comprehensive Plan Small Scale Amendment, Providence Blvd. and Ft. Smith Blvd., Ordinance No. 22-2012.

Motion carried with members voting as follows: Member Kiepert, for; Member Walosik, for; Member Olasimbo, for; Member Ramos, for; Member Mulder, for; Member McKnight, for; and Chairman Burbank, for.

7. DISCUSSION:

A. By the Board: None

B. By the City Attorney: N/A

C. By Planning & Development Staff:

Mr. Bowley commented--please note that we are concentrating on areas like Elkcam and Howland Blvd. for business development. We are trying to concentrate on commercial nodes in areas that have commercial development, such as Lowe's, and Publix, etc., on areas that support commercial development that have the infrastructure.

8. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:05 p.m.

ATTEST:

Tom Burbank, CHAIRMAN

Pauline Shattuck, RECORDING SECRETARY